

Before the  
Federal Communications Commission  
Washington, DC 20554

<b>In the Matter of</b>	)	
	)	
Carrier Current Systems, including	)	ET Docket No. 03-104
Broadband over Power Line Systems	)	
	)	
Amendment of Part 15 regarding new	)	ET Docket No. 04-37
Requirements and measurement	)	
Guidelines for Access Broadband over	)	
Power Line Systems	)	

**Comments on Notice of Proposed Rule Making (NPRM)**

*Introduction*

These comments are submitted on behalf of the National Association of Shortwave Broadcasters (“NASB”), which represents eighteen FCC-licensed, privately owned shortwave broadcast stations located in the United States.<sup>1</sup>

Through its Notice of Proposed Rule Making (NPRM) in the above Dockets, the Commission announces its intention to make certain rule changes and seeks comments related to those changes.

These Comments reiterate and reaffirm the concerns and objections stated earlier in Docket No. 03-104. Despite the expressed intentions to avoid or minimize interference as stated in the NPRM, NASB is skeptical that harmful interference can be avoided. Further, NASB is concerned that a suggested remedy as related to amateur radio (avoiding certain frequencies) is unworkable and violates international obligations as it relates to international broadcasting.<sup>2</sup>

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<sup>1</sup> KSDA; WMLK; WEWN; WYFR; KFBS; WTJC; WBOH; WHRI; KWHR; WHRA; WRMI; KTWR; KAIJ; KVOH; WJIE; KNLS; WINB and WBCQ.

<sup>2</sup> Interference with reception on HF constitutes a violation of international agreements which invites retaliation. NASB urges that HF broadcasts not be undervalued as an integral part of the international communication mix of media. See, e.g. the recent programming controversy between Dishnetwork and CBS which resulted in Dishnetwork interrupting the distribution of CBS owned programming. Over-reliance on certain distribution media is dangerous since all media are subject to interruption for technical, commercial and/or political reasons. HF broadcasters provide a continuing flow of

## *Background*

NASB understands and supports the objective of making broadband services more available and affordable to American homes and consumers. NASB recognizes that it is important to explore the applicability and feasibility of all technologies. However, such exploration must fully balance the legitimate concerns of all users and beneficiaries and weigh the harm done by authorizing a use which interferes with a well established necessary service.

1. Concern about harmful interference. The NPRM acknowledges (para. 33, page 15) that Access BPL will cause harmful interference in the 2-50 MHz bands. NASB is deeply concerned such interference will not be minimal and that the existing Part 15 rules will offer the needed protection of the existing authorized users of this spectrum.

Further, NASB is concerned that Access BPL systems will not, or cannot, freely, willingly, and swiftly mitigate any and all interference issues. The NPRM "implies" that the BPL operator is obligated to quickly respond and mitigate the harmful interference. However, there is no definition of what constitutes "quickly" or how the operator is to correct the issue to the satisfaction of the listener. Further, it is unclear why the operator would respond "quickly" to such a complaint or that the operator would be so public spirited as to shut down operations until the source of the interference were identified. Arguably, there could be so many complaints that the operator would effectively be "shut down" investigating complaints.

The acknowledged interference potential of Access BPL to services such as the Department of Homeland Security, FEMA, Fire and Rescue services, aeronautical and maritime services, Police and law enforcement agencies, licensed Amateur Radio operators, and HF broadcasters and listeners should encourage the FCC to toughen and greatly enhance the Part 15 protection rules, and not relax them for this highly speculative Access BPL service.

2. Concern about the mutual interests of broadcasters using HF. It is in the mutual interest of all countries to adhere to the provisions of Article 12 of the International Telecommunication Union (ITU) Radio Regulations. Administrations, or entities operating shortwave broadcasting stations under the provision of the ITU Radio

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programming from transmitters located distant to the receivers thus less subject to local conditions. Accordingly, it is important to maintain and protect the integrity of the HF broadcast medium. It must not be sacrificed or threatened by a technology which, arguably, duplicates other distribution media.

Regulations, with the intent of providing broadcast service coverage to and within the United States, are *entitled to protection* of this service from interference as described in the Radio Regulation No. 15.12, and other interferences as described under Article 15. The HF broadcasting service is the only such radiocommunication service entitled to “cross border” protection of service in another country.

The United States has long been an outspoken critic of foreign jamming of its radio stations like the *Voice of America*, *Radio Free Europe*, *Radio Liberty*, *Radio Free Asia*, and others. Now the FCC could soon be authorizing largely untested technologies that could similarly interfere with reception of foreign broadcasts by listeners within our country. This could very well be interpreted by other countries as deliberate interference and invite retaliation in kind against our own broadcasts. In view of the critically important objective of maintaining and encouraging the free flow of information in these times of world crisis, it is absolutely essential that these concepts of interference protection be maintained. Without this protection, other countries could easily claim that the United States is intentionally jamming their broadcasters.

3. Concern that the commercial interests are undervaluing the importance of the HF spectrum by present users. While it is important to encourage widespread availability of broadband technology, it is also important to adequately safeguard existing use.

4. Concern that the intention to protect may be at the outset inadequate and/or prove to be inadequate after significant damage has been done to the current use of HF. NASB believes strongly that the FCC should establish rigid rules and time-frames for compliance to interference complaints by the Access BPL systems.

### *Discussion of Proposal*

1. Access BPL Emission Limits. The NPRM acknowledges that as it relates to amateur use there is a significant interference problem. (at 15) It notes that “many Access BPL technologies have the capability to avoid using specific frequencies, if necessary, to avoid interference. This would permit Access BPL devices to avoid the use of amateur frequencies when in close proximity to amateur outdoor antennas.” The proposal, however, seems overly simplistic. With amateur stations and antennas located almost everywhere it would seem an infinitely complex matter to avoid amateur (and HF frequencies). In other words, as a practical matter would not avoidance of the use of the frequency result in the effective blanking out of the entire broadcast/amateur HF band?

2. Access BPL Operational Requirements. The only Access BPL operation methodology acceptable to the NASB would be to have all assigned Fixed, Amateur, and HFBC bands “notched” out of any Access BPL system to avoid any potential interference to these very necessary and vital services. Otherwise, it would appear that the burden is on the listener to (1) recognize that there is harmful interference (2) know that a complaint may be filed (3) know where to lodge the complaint (4) actually make the complaint and (5) monitor

the resolution of the complaint. Those steps amount to a significant burden on the listener.

3. Equipment Authorization and Measurement Guidelines. The FCC has asked for comments in this NPRM regarding Access BPL measurement guidelines, but has only outlined such measurements in an “outside environment” setting. The NASB believes that any such measurement guidelines should also include “in building” environments and radio equipment locations where radio receivers and other related equipment currently operate. The majority of this existing equipment will actually be connected directly to power systems, or within very close proximity. The effect of Access BPL on existing equipment should and must be tested to confirm that Access BPL is non-obstructive to their use.

In this regard, the FCC should have “overriding authority” over local, state, and/or other federal agencies regulating power systems as to interference arising from Access BPL. In the case of national or regional emergencies, the FCC should have authority to immediately order the suspension of Access BPL systems until such time as the emergency situations are abated.

### *Conclusion*

The NASB respectfully suggests that the FCC withdraw the subject NPRM, and carefully review the detrimental affects of Access BPL on the international obligations of the United States in regards to the ITU Radio Regulations; and the need for more stringent, not less, Part 15 rules regarding harmful interference from Access BPL systems.

Respectfully Submitted,

NATIONAL ASSOCIATION OF SHORTWAVE BROADCASTERS